

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 15286 of the Institute of Our Lady of Mount Carmel, pursuant to 11 DCMR 3108.1, for a special exception under Section 206 to allow a child development center of 65 children ages two to five years and six staff on the first floor in an R-5-A District at premises 4407 - 8th Street, N.E., (Square 3894, Lot 814).

HEARING DATE: April 25, 1990
DECISION DATE: April 25, 1990 (Bench Decision)

SUMMARY ORDER

The site of the application is located in Advisory Neighborhood Commission ANC 5A. ANC 5A, which is automatically a party to the application, filed a written statement of issues and concerns in support of the application.

The Board duly provided timely notice of the public hearing on this application, by publication in the D.C. Register, and by mail to ANC 5A and to owners of property within 200 feet of the site.

As directed by 11 DCMR 3324.2, the Board has required the applicant to satisfy the burden of proving the elements which are necessary to establish the case for a special exception pursuant to 11 DCMR 206. No person or entity appeared at the hearing in opposition to the application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board, the Board concludes that the applicant has met the burden of proof, pursuant to 11 DCMR 3108, and that granting the requested relief is in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not adversely affect the use of neighboring property in accordance with the Regulations and Maps. It is therefore ORDERED that the application is GRANTED subject to the following CONDITIONS:

- a. The hours of operation shall not exceed from 7:00 A.M. to 7:00 P.M. Monday through Friday.
- b. The number of children shall not exceed 65 and the number of staff shall not exceed six.

- c. The children's ages shall range between two and five years.
- d. The pick-up and drop-off point shall be at the rear of the facility.
- e. The outdoor play area shall be enclosed by a fence.
- f. Trash shall be collected from the rear of the site.

Pursuant to 11 DCMR 3301.1, the Board has determined to waive the requirement of 11 DCMR 3331.3 that the order of the Board be accompanied by findings of fact and conclusions of law. The waiver will not prejudice the rights of any party, and is not prohibited by law.

VOTE: 5-0 (Charles R. Norris, William F. McIntosh, Paula L. Jewell, Tersh Boasberg and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:


EDWARD L. CURRY
Executive Director

FINAL DATE OF ORDER: MAY 7 1990

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHTS ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

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THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

15286order/BHS18

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



APPLICATION No. 15286

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that a letter has been mailed to all parties, dated MAY 7 1990, and mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Joseph P. Vaghi
4848 Battery Lane
Bethesda, MD 20814

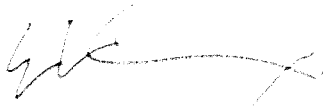
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Bernard N. Price, Chairperson
Advisory Neighborhood Commission 5-A
Slowe School Demountable
14th & Irving Streets, N.E.
Washington, D. C. 20017



EDWARD L. CURRY
Executive Director

MAY 7 1990

DATE: _____